



## HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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### **TECHNICAL STAFF REPORT** **“Downtown Columbia-The Mall Neighborhood”**

**Planning Board Hearing of July 12, 2012**

**Case No. /Petitioner and Owner:** PB 395, General Growth Properties, c/o Cathie Phillips

**Project Name and File Number:** FDP-DC-The Mall-1 (Downtown Columbia, The Mall Neighborhood)

**Request:** For Planning Board approval of FDP-DC-The Mall-1, a Final Development Plan (considered Downtown Revitalization), The Mall Neighborhood Concept Plan, The Mall Neighborhood Specific Design Guidelines and The Mall Neighborhood Specific Implementation Plan in accordance with Sections 125.A. and 125.E. of the Howard County Zoning Regulations. This Final Development Plan encompasses 5.67 acres of area in the first phase of development and includes the removal of 31,500 square feet of existing retail and the addition of 75,000 square feet of proposed retail and restaurant space for a net increase of 43,500 square feet of Gross Leasable Area. The FDP also proposes certain street framework classification changes as well as neighborhood boundary refinements. The proposed boundary refinements include; in the northwest corner, shifting the boundary near the Nordstrom department store to follow the proposed street as it bends near the Warfield Mews (this shift includes area for potential future Nordstrom expansion within The Mall Neighborhood boundary); in the northeast, to include into The Mall boundary, the existing parking garage near the Macy's department store; and in the southern corner to include in the Mall boundary the area south of Sears that would serve as an area of potential future Sears expansion.

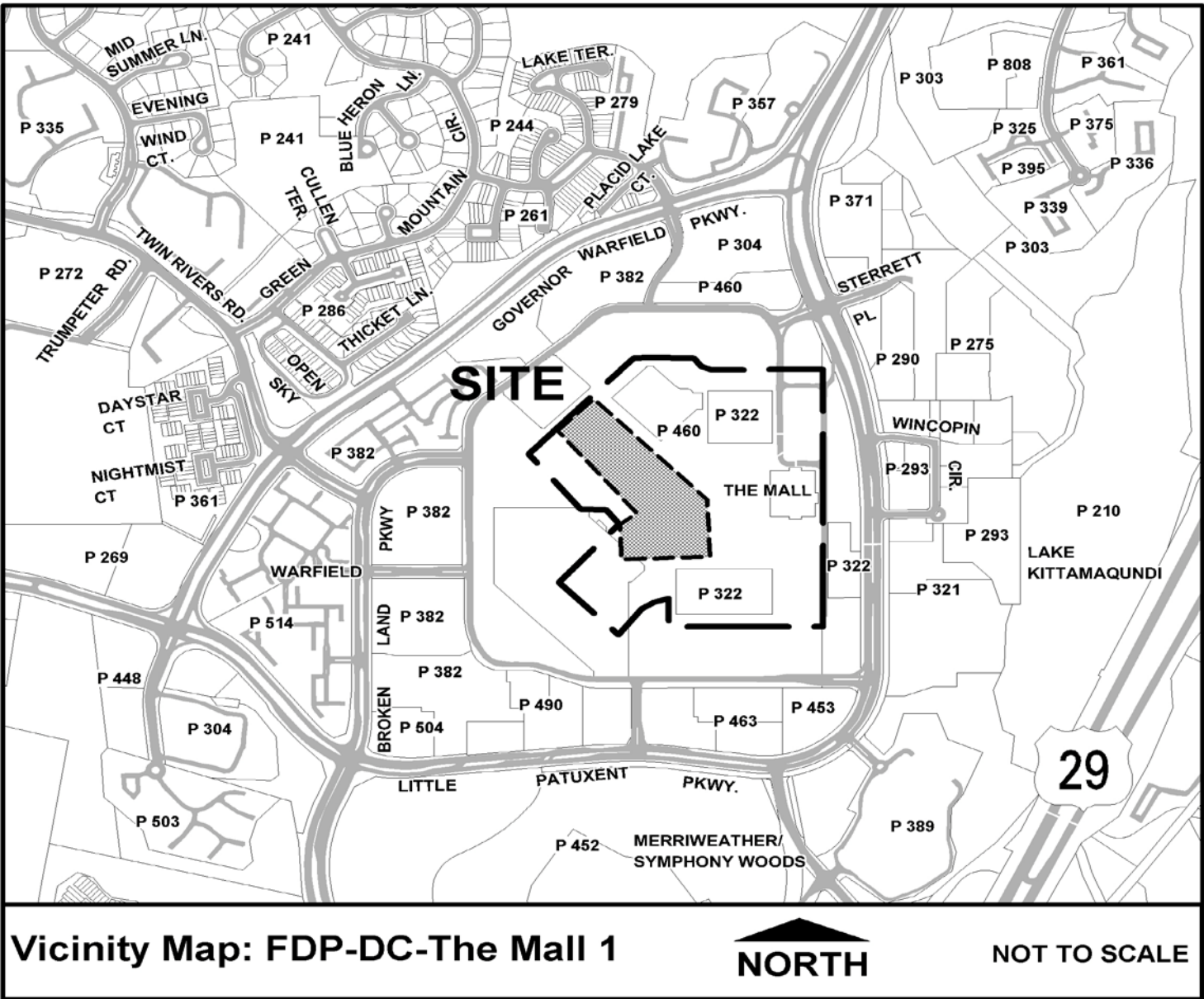
The land use designation proposed on this Final Development Plan includes 5.39 acres of Downtown Mixed Use Area and 0.28 acres of Downtown Community Commons (secondary amenity space) for a Total of 5.67 acres.

In accordance with Section 125.E.4. of the Howard County Zoning Regulations, the Planning Board shall evaluate and approve, approve with conditions, or disapprove the Final Development Plan and associated Neighborhood Documents at a Public Hearing.

**Recommendation:** The Department of Planning and Zoning recommends approval of:

- A. The Mall Neighborhood Concept Plan as submitted with FDP-DC-The Mall-1;**
- B. The Mall Neighborhood Specific Design Guidelines as submitted with FDP-DC-The Mall-1, which includes certain amendments to the Mall Neighborhood Boundary and two exceptions to the Street Framework plan.**
- C. The Mall Neighborhood Specific Implementation Plan as submitted with FDP-DC-The Mall-1; and**
- D. The Final Development Plan, FDP-DC-The Mall-1, subject to adequately addressing all remaining technical comments provided by the Subdivision Review Committee in the Department of Planning and Zoning's letter dated June 12, 2012.**

**Location:** The subject site is identified as Parcel 460, Lot 47 on Tax Map 36 and is located between Mall Ring Road and Little Patuxent Parkway in the 5<sup>th</sup> Election District of Howard County. The entire Mall Neighborhood encompasses 38.04 acres with this proposed FDP involving 5.67 acres within the neighborhood itself. This FDP includes the area dedicated to the Nordstrom's Deck, and the L.L. Bean, Sears, J.C. Penny stores, associated parking garages, surface parking areas and certain streets serving those parking areas of The Mall. Lot 47 is zoned New Town (NT) and is designated as Downtown Mixed Use area per the Downtown Columbia Plan.



Vicinal Properties: (see also Attachment 'D')

North: The Mall is bounded to the North by the Warfield Neighborhood, more particularly by surface parking areas (generally accessed from Mall Ring Road) and the cinema.

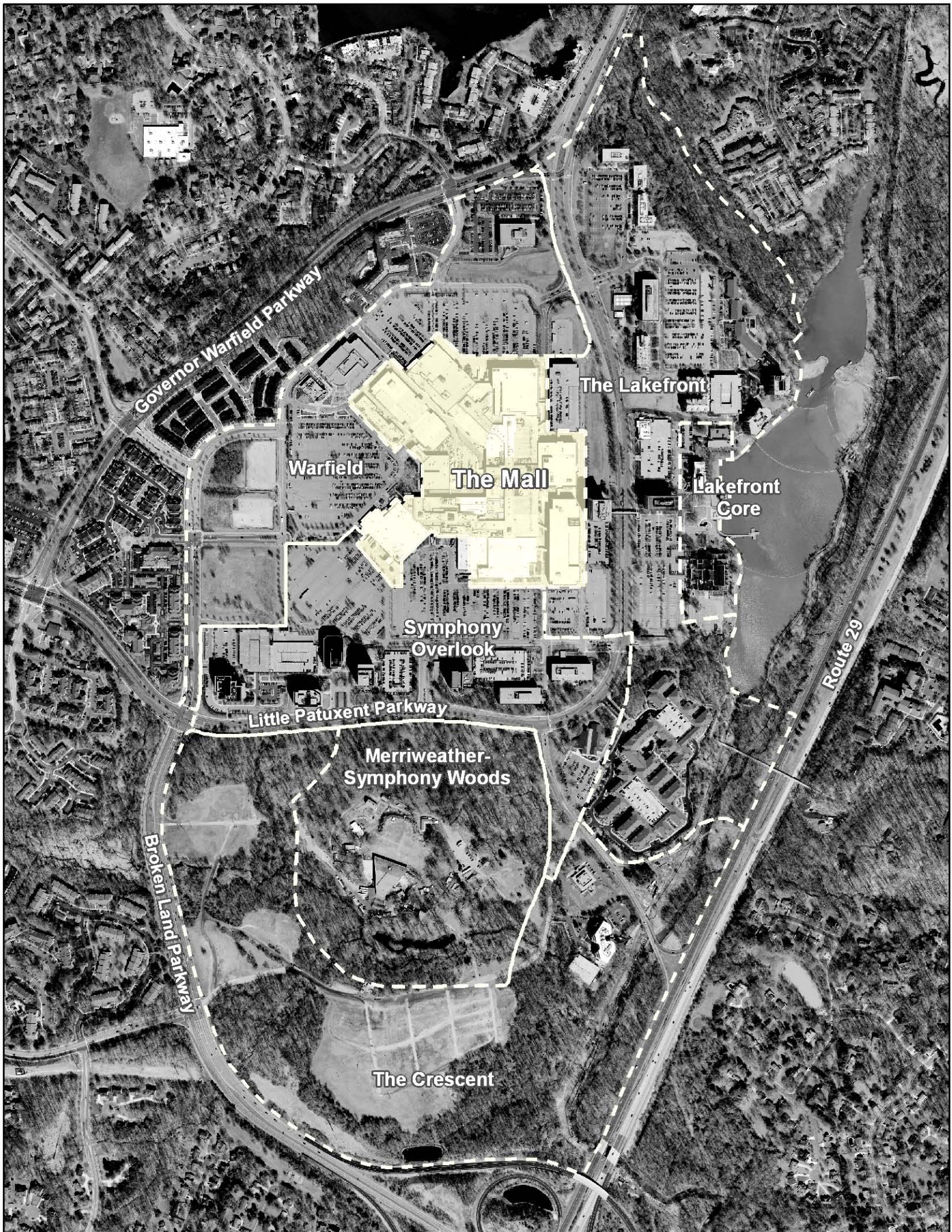
South: The Mall is bounded to the South by the Symphony Overlook Neighborhood, more particularly by surface parking areas.

East: The Mall is bounded to the East by The Lakefront Neighborhood, more particularly by a small piece of undeveloped land (Parcel 460, Lot 48) and an office building (Parcel 322), which in turn, are both immediately adjacent to Little Patuxent Parkway.

West: The Mall is bounded to the West by the Warfield Neighborhood, more particularly by surface parking areas.

Neighborhood: The Mall Neighborhood is described as a “commercial center that serves as a hub of social activity and economy for Downtown and Howard County”. It is unique in its configuration in that it is completely surrounded by three separate Downtown Columbia Neighborhoods- Warfield, The Lakefront and Symphony Overlook.







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**I. General Information:**

**A. Relevant Site History:**

Parcel 460, Lot 47 is the site of the Mall Neighborhood and is completely dedicated to this central shopping facility in the planned community of Columbia. Built in 1971, it has undergone several expansions, and currently contains five anchor department stores (Sears, J.C. Penny, Nordstrom, Macy's and Lord and Taylor), along with approximately 200 specialty stores and AMC Theatres and L.L. Bean. Several restaurants also exist on site, including the Cheesecake Factory and P.F. Chang's.

**B. Legal Notices:**

The subject property was properly posted with five (5) official Planning Board hearing notices, four of which were located in various locations along Mall Ring Road and one sign was posted in front of the LL Bean store. These signs were posted beginning on June 11, 2012.

Legal advertisements for this case appeared in the Howard County Times and the Columbia Flier on June 7, 2012.

**C. Regulatory Compliance:**

Final Development Plans and associated Neighborhood Documents for Downtown Revitalization are subject to the following items, which are to be incorporated by reference into the record:

- (1) The Downtown Columbia Plan: Council Bill No. 58-2009, which approved an amendment to the Howard County General Plan.
- (2) The Zoning Regulations: including sections enacted as part of an amendment to the Zoning Regulations as Council Bill No. 59-2009 (ZRA 113).
- (3) Downtown-Wide Design Guidelines passed as Council Resolution 138-2010.
- (4) The Adequate Public Facilities Act amended for Downtown Columbia as Council Bill 47-2010.
- (5) The Sign Ordinance amended for Downtown Columbia as Council Bill 56-2010.

***In addition, the petitioner met the following pre-submission requirements:***

- (6) A Pre-Submission Community Meeting was held on January 17, 2012 in accordance with Section 125.E.2. of the Zoning Regulations and Section 16.128(b)-(g), of the Subdivision and Land Development Regulations.
- (7) The Design Advisory Panel (DAP) review of the Neighborhood Specific Design Guidelines was held on February 8, 2012 in accordance with Section 125.E.2. of the Zoning Regulations and Title 16, Subtitle 15 of the County Code. The Planning Board may consider the DAP's recommendation in making a final decision on the Neighborhood Design Guideline's approval per Title 16, Subsection 1504(f) of the County Code.

**D. Definitions:**

**Downtown Columbia Definitions:** Please refer to the attached definitions (**Attachment 'E'**) of terms relating to Downtown Columbia revitalization as excerpted from Section 103.A.38-60 of the Zoning Regulations as needed. See also Section 6.0 ("Definitions") of The Mall Neighborhood Design Guidelines.

**Neighborhood Documents:** The Neighborhood Concept Plan, Neighborhoods Specific Guidelines and the Neighborhood Specific Implementation Plan are at times collectively referred to as the "Neighborhood Documents" within this technical staff report.

**Exhibits:** The Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan are at times collectively referred to as "Exhibits" within this technical staff report.

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**E. Purpose of Petition:**

The Purpose of the Final Development Plan (FDP) is to identify:

- Existing conditions for the subject area;
- The proposed land uses;
- The location of required Downtown Community Commons (0.28 acres of secondary amenity space is required for this FDP-DC-The Mall-1); and
- Any other information relating to how the development of the subject area will comply with the downtown Revitalization requirement.

As part of the Final Development Plan submission, the petitioner is required to propose a Neighborhood Concept Plan, Neighborhood Specific Design Guidelines and a Neighborhood Implementation Plan, which provide a context for evaluation for this Final Development Plan and provide guidance for future Final Development Plan petitions; however these documents are only binding on the property included within this FDP. The purpose of each document is discussed further in Section II.

**F. Determining Conformance:**

Evaluation of the Final Development Plan, Neighborhood Concept Plan, the Neighborhood Specific Design Guidelines and the Neighborhood Specific Implementation Plan is to be based on conformance with the Zoning Regulations, the Downtown Columbia Plan and the Downtown-Wide Design Guidelines. Conformance is specifically interpreted in Section 125.A.2.b. of the Zoning Regulations:

*“When a provision in this section requires that an action “will conform”, “conform with”, “conforms with” or “conforms to”, the Downtown Columbia Plan or any part of the plan, the action being taken shall further, and not be contrary to, the following items in the Downtown Columbia Plan:*

- (1) Policies;
- (2) Timing and implementation of the plan;
- (3) Timing of development;
- (4) Development patterns
- (5) Land uses; and
- (6) Densities and intensities.”

**II. Description of the Final Development Plan Proposal & Associated Neighborhood Documents:**

- A. Proposed Neighborhood Concept Plan:** The purpose of the Neighborhood Concept Plan is to show an individual neighborhood as identified in the Downtown Columbia Plan and to depict a general layout for proposed public and private streets, block sizes and configurations and maximum building heights and proposed Downtown Community Commons as context for the evaluation of the Final Development Plan.

The general layout for proposed public and private streets, block sizes and configurations and maximum building heights and proposed Downtown Community Commons areas are largely in keeping with the Exhibits presented in the Downtown Columbia Plan. Proposed minor modifications of street types and proposed boundary refinements are further discussed in the Planning Board Criteria Section of this Staff report.

As shown in the “Downtown Columbia Plan-Primary Amenity Space Diagram”, no specific primary amenity spaces are required for the Mall Neighborhood. However, a minimum of 5% new, secondary, outdoor amenity spaces shall be provided. A total amenity space of at least 12,350 square feet is proposed to be located in an area between the existing mall entrance and the current Nordstrom parking deck. Final location and configuration will be determined at Site Development Plan stage.

- B. Proposed Final Development Plan:** The Final Development Plan proposes the demolition of 31,500 square feet of existing retail space located on Lot 47. This area will be replaced with 75,000 square feet of new retail and restaurant space, resulting in a net increase of 43,500 square feet of gross leasable area. The additional net leasable area will require additional parking which will be addressed through on-street, shared or structured parking. Actual required parking spaces (as calculated per Section 133.E.3. of the Zoning Regulations) and location of those spaces will be determined at Site Development Plan stage.

- C. The Mall Neighborhood Design Guidelines** serve as urban design guidelines for an individual

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neighborhood identified in the Downtown Columbia Plan and provide a context for evaluation of the Final Development Plan. They may provide guidance for future Final Development Plan petitions, but are only binding on the property within this Final Development Plan. The Mall Neighborhood Specific Design Guidelines were modeled after the approved Downtown-Wide Design Guidelines and include more detailed information on the following: street and streetscape design (including circulation for vehicles, pedestrians and bicycles, and design and materials standards), amenity spaces, including design and materials; architectural standards for buildings, structured parking and storefronts; and signage. The design guidelines also include a definition section and appendices on sustainability and on-road bicycle facilities.

- D. The Mall Neighborhood Specific Implementation Document** provides an implementation schedule for the improvements proposed with this Final Development Plan and designates future phasing areas. It must conform with the Downtown Revitalization Phasing Plan and the Downtown Community Enhancements, Programs and Public Amenities Implementation Chart, as well as address; the balance of uses within each implementation phase; phasing of Downtown Mixed Use Development; phasing of Downtown Community Commons Spaces; and the phasing of infrastructure including public water and sewer. The Implementation Plan must also address transportation and circulation facilities, environmental restoration, Downtown Arts, Cultural and Community Uses and any other required Community Enhancements, Programs and Public Amenities (CEPPA) requirements.

- III. Planning Board Review and Approval Criteria:** In accordance with Section 125.E.4 of the Howard County Zoning Regulations, the Planning Board is to evaluate and approve, approve with conditions, or deny the petition based on whether the Final Development Plan and associated Neighborhood Documents satisfy the following criteria (*Attachment 'A' provides a condensed summary of conformance with this criteria*):

- A. The Downtown Neighborhood Concept Plan, the Neighborhood Specific Design Guidelines, and the Neighborhood Specific Implementation Plan conform with the Downtown-Wide Design Guidelines, the Downtown Columbia Plan, the Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan, or that any propose change(s) will not be detrimental to the overall design concept and phasing for Downtown Revitalization. Limited change in building heights may be approved based on compatibility, character and height of nearby existing and planned development and redevelopment, and open spaces in the area. However, in no event shall the maximum building height for Downtown Revitalization exceed twenty stories;**

The Neighborhood Documents exhibit overall conformance with the Downtown Columbia Plan and the Downtown-Wide Design Guidelines as well as most associated exhibits. Modifications further, (and are not contrary to), the policies, timing and implementation of the plan, timing of development, development patterns, land uses or densities and intensities as described in the Downtown Columbia Plan. Proposed Modifications are outlined below.

***1. Minor Modifications of Neighborhood Boundaries from Exhibit 'E' of the Downtown Columbia Plan:***

- *"In the Northeast, the Neighborhood boundary has been slightly adjusted to capture The Mall's Northeast parking deck, which was previously shown on the Downtown Plan to be within the Lakefront Neighborhood. The Northeast parking deck is under common ownership with the Mall and the desire is to have all existing parking structures at the Center follow the same Neighborhood Design Guidelines for consistency and uniformity throughout the Center".*
- *"In the Southwest, the Neighborhood boundary has been slightly adjusted outward to capture Sears' expansion rights area. The desire is to have all existing and future Mall buildings follow the same Neighborhood Design Guidelines for consistency and uniformity throughout the Center."*
- *"In the Northwest, the Neighborhood boundary has been slightly adjusted outward to capture Nordstrom's expansion rights area. The boundary has shifted to follow the proposed street as it bends near the Warfield Mews. The desire is to have all existing and future Mall buildings follow the same Neighborhood Design Guidelines for consistency and uniformity throughout the Center".*
- *NOTE: "The existing bank in the West was previously moved into the Mall Neighborhood under the Warfield FDP submission."*

***(The above modifications are discussed on Pages 3-4 of The Mall Neighborhood Design Guidelines).***

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**2. Modifications of Street Framework from Exhibit ‘H’ of the Downtown Columbia Plan: The Following two exceptions are proposed:**

- “Street Type 3 shown in The Mall Neighborhood Design Guidelines include two travel lanes and optional parallel parking on both sides, as opposed to optional parallel parking only on one side, as shown in the Downtown Columbia Plan.” (See pages 11-13 and 16 of The Mall Neighborhood Design Guidelines for more information).
- “The existing roadways between The Mall and the existing parking garages are proposed as Alleys in The Mall Neighborhood Design Guidelines, as opposed to Streets, as shown in the Downtown Columbia Plan. The Alley locations include the roadway in the northeast corner of the neighborhood between Macy’s and the parking garage and north of Lord and Taylor; the roadway in the southeast corner of the neighborhood between JC Penny and the parking garage and south of Lord and Taylor; and the roadway between Nordstrom and the parking garage. As the current function of these roadways are not proposed to change and will continue to service mainly as vehicular access to existing structured parking garages with no new building frontage, it is appropriate that they are classified as alleys, rather than streets.” (See pages 11-13 and 17 of The Mall Neighborhood Design Guidelines for more information).

**3. Clarification of Building Height:**

The Mall Neighborhood Design Guidelines maintain the maximum building heights as outlined on Exhibit ‘F’ of the Downtown Columbia Plan. However, the minimum building height throughout the district is two stories or 22 feet (reduced from 30 feet). This reduction accommodates proposed additions and allows for consistency with the existing Mall structure.

**The proposed changes discussed under points #1 through #3 above are not detrimental to the overall design concept and phasing for Downtown Revitalization and do not cause non-conformance with the require documents. The details provided within The Mall Specific Design Guidelines further the goals of the Downtown Columbia Plan and the Downtown-Wide Design Guidelines.**

The **Neighborhood Implementation Plan** also conforms with the policies, timing and implementation of the plan, timing of development, development patterns, and land uses, as outlined in the Downtown-Wide Design Guidelines, the Downtown Columbia Plan and Exhibits. The Plan provides for an overall balance of uses within The Mall Neighborhood in conformance with the Downtown Revitalization Phasing progression in the Downtown Columbia Plan (Phase I). The Implementation Plan also incorporates elements identified in the phasing of pedestrian, bicycle and vehicular circulation facilities. The uses for The Mall, Phase I, fit within the Downtown Revitalization Plan, however, phasing will be formally tracked at the Site Development Plan stage and is further discussed in Criteria “C” below .The Implementation Plan also identifies the phasing of required infrastructure, including water and sewer facilities. The Implementation Plan provides a tracking chart for the status of all Community Enhancements, Programs, and Public Amenities (CEPPA). Within the text of the plan, a summary of applicable CEPPA requirements relevant to the current and future proposed phasing of The Mall Neighborhood is also provided.

**B. The Neighborhood Design Guidelines submitted with the Final Development Plan offer sufficient detail to guide the appearance of the neighborhood over time, and promote design features that are achievable and appropriate for Downtown Revitalization in accordance with the Design Guidelines and the Downtown Columbia Plan;**

The Mall Neighborhood Design Guidelines were modeled after the approved Downtown-Wide Design Guidelines and contain comprehensive criteria and guidance concerning sustainability, urban design, complete streets design, pedestrian and bicycle circulation, open space design, architectural design and signage. The Design Guidelines are extensive (encompassing 142 pages) and contain detailed provisions to help guide the appearance of The Mall Neighborhood over time. The design features contained in the Design Guidelines will assure a compatible relationship among new development and existing residential and retail areas. New sidewalks along both sides of the street and indetified pedestrian areas are designed to be active and incorporate outdoor seating and dining opportunities and sustainable features, including rain gardens/rainwater planters, street trees, permeable pavers, rainwater tree pits and bioretention facilities. Street sections will incorporate marked shared-bike lanes to promote the safe and efficient use of bicycles as an alternate form of transportation. Street-level retail and restaurant opportunities are designed to engage the pedestrian, and future connections to adjacent primary amenity spaces are designed to provide connectivity to social gathering spaces.

The Mall Neighborhood Design Guidelines address and provide sufficient guidelines for development plans within the neighborhood, per the following design components:

- **Chapter 2:** Street Design and framework plan, including streetscapes and materials and elements.

- **Chapter 3:** Amenity space overview, including materials and elements.
- **Chapter 4:** Architectural Design, including building types, forms, storefront standards and materials.
- **Chapter 5:** Signage, including a general overview and materials.

See also the Design Advisory Panel's recommendations for additional input to be considered in evaluating The Mall Neighborhood Specific Design Guidelines, attached as Attachment 'C', which also includes DPZ's analysis of how the Petitioner incorporated the Panel's recommendations.

- C. The Final Development Plan conforms with: the Neighborhood Documents; the Revitalization Phasing Plan, the Downtown Community Enhancements, Programs, and Public Amenities (CEPPA) Implementation Chart and Flexibility Provisions; the Downtown-wide Design Guidelines; the Downtown Columbia Plan, (including the Street and Block Plan, the Neighborhoods Plan, the Maximum Building Heights Plan, the Primary Amenity Space Framework Diagram, the Street Framework Diagram, the Bicycle and Pedestrian Plan, and the Open Space Preservation Plan). Limited change in building heights may be approved based on compatibility, character and height of nearby existing and planned development and redevelopment, and open spaces in the area. However, in no event shall the maximum building height for Downtown Revitalization exceed twenty stories;**

Neighborhood Documents, Downtown-Wide Design Guidelines, Downtown Columbia Plan and Exhibits  
The Neighborhood Documents conform with the Downtown-Wide Design Guidelines and the Downtown General Plan. The enclosed Final Development Plan conforms with the neighborhood documents, including The Mall Neighborhood Concept Plan, The Mall Neighborhood Implementation Plan and The Mall Neighborhood Design Guidelines. The FDP was prepared in conjunction with the preparation of the neighborhood documents and conforms with all facets of these documents. No change in the maximum permitted building height is proposed.

#### Revitalization Phasing Plan

Phasing is in accordance with the Downtown Revitalization Phasing Progression, however, the proposed development will also be further evaluated at Site Development Plan stage when development details are provided.

#### CEPPA Implementation Chart

All CEPPAs required to have been satisfied prior to filing the first Final Development Plan (CEPPAs #1-5) have been satisfied to the extent required. CEPPA #6 is in progress and legislation establishing the Downtown Partnership has been submitted for County Council consideration. CEPPAs #7-9 will need to be satisfied prior to approval of the Site Development Plan for The Mall and CEPPA #10 must be completed prior to issuance of the first building permit associated with the Site Development Plan. Please see the attached CEPPA summary chart for additional information (Attachment 'B').

- D. The Final Development Plan, when considered in the context of surrounding planned or existing development, provides a balanced mix of housing, employment and commercial, and arts and cultural uses throughout each phase;**

The Mall Neighborhood is envisioned as a commercial center that serves as a hub of social activity and economy for Downtown and Howard County. Redevelopment within the district and improvements to underutilized areas around The Mall, including new sidewalks, hardscape and landscape, street furnishing and lighting, and public art will establish a character that is consistent with the surrounding neighborhoods and allows for a seamless integration. Within The Mall Neighborhood itself, a range of commercial uses currently include services, restaurants and retail. The Final Development Plan complements and enhances these uses, while providing a diversity of pedestrian oriented activities and functions that support users within the district as well as existing, nearby residents and tenants.

- E. The Final Development Plan satisfies the affordable housing requirement;**

No housing is proposed, therefore, this requirement is not applicable.

- F. The bicycle, pedestrian, and transit network creates convenient connections throughout the subject area and connect, wherever possible, to existing and planned sidewalks, path, and routes adjoining the development;**

As shown on The Mall Neighborhood Implementation Plan and Neighborhood Concept Plan, the proposed pedestrian and bicycle network conforms to the Bicycle and Pedestrian Circulation Plan in the Downtown Columbia Plan and will provide the initial components of a downtown-wide pedestrian and bicycle network.



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In addition, the Howard Transit routes serving Downtown (Brown, Green, Gold, Orange, Red, Silver and Yellow) and the existing transit center transfer point are conveniently adjacent to the Final Development Plan area.

- G. The Final Development Plan protects land covered by lakes, streams or rivers, flood plains and steep slopes, and provides connections, where possible to existing and planned open space within the neighborhood and in surrounding area;**

The subject property does not contain any lakes, streams or rivers, floodplains or steep slopes.

- H. The Final Development Plan provides the location of Downtown Community Commons required under Section 125.A.9.h as indicated in the Neighborhood Concept Plan;**

While no specific primary amenity spaces are required in The Mall Neighborhood per the Downtown Columbia Plan, five percent (5%) of The Mall Neighborhood land area is required to be secondary outdoor amenity space. The calculation is shown on the Neighborhood Concept Plan and Neighborhood Implementation Plan. The secondary amenity space (of at least 12,350 s.f.) will be located in an area between the existing LL Bean Plaza and the future mall entrance and between the existing mall entrance and the current Nordstrom parking deck. Final location and configuration will be determined at the SDP submission.

- I. The Final Development Plan is in harmony with existing and planned vicinal land uses. In making this determination, the Planning Board shall consider, if appropriate:**

- (1) *Landscape features on the boundary of the plan area, which may include protection of existing vegetation or grade changes that provide a natural separation, or landscape planting;***
- (2) *The size of buildings along the edges of the plan area through limits on building height or other requirements;***
- (3) *The use and design of nearby properties and;***
- (4) *The adopted Downtown Columbia Plan recommendations for height, building massing and scale, and neighborhood connectivity;***

The Final Development Plan conforms to the neighborhood documents, including The Mall Neighborhood Concept Plan, Implementation Plan and the Design Guidelines. The proposed uses are in harmony with the existing and surrounding uses and will allow for more appropriate connectivity and enhanced harmony.

- J. The development proposed by Final Development Plan is served by adequate public facilities, including any proposed mitigation or development staging in accordance with the Adequate Public Facilities Ordinances (Title 16, Subtitle 11 of the Howard County Code);**

Housing Allocations and Schools: APFO requirements for housing allocations and schools are not applicable to this FDP since no residences are proposed.

Road Facilities: A traffic study prepared by Wells & Associates has demonstrated that the development proposed by the FDP will be served by adequate transportation facilities in accordance with the Adequate Public Facilities Ordinance. The APFO study was approved by the Development Engineering Division and the Department of Public Works on May 1, 2012.

- K. The Final Development Plan protects environmentally sensitive features and provides environmental restoration in accordance with the Downtown Columbia Plan;**

There are no environmental features within the Final Development Plan area.

- L. The Final Development Plan protects any historic or culturally significant existing sites, buildings or structures, and public art.**

There are no historic or culturally significant existing sites, buildings or structures or public art located within the boundaries of the Final Development Plan.

- M. The Final Development Plan proposes any appropriate plan to satisfy the requirement for art in the community.**

The petitioner will either incorporate art into the project, equivalent to 1% of the building construction costs or will pay a fee-in-lieu as provided in Section 125.9.f(2) of the Zoning Regulations. Additional information

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about the art in the community requirement will be provided in connection with the Site Development Plan.

- N. The Final Development Plan provides a plan to hold, own, and maintain in perpetuity land intended for common, quasi-public amenity use and public art that is not publically owned, including, without limitation, any Downtown Community Commons, Downtown Parkland, Downtown Arts, Cultural and Community Use, and Downtown Neighborhood Square shown on the Final Development Plan.**

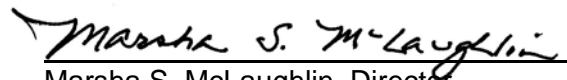
Property within the FDP area is intended for common, quasi-public amenity use is held, owned and maintained subject to a reciprocal easement agreement granting pedestrian and vehicular access and ingress/egress rights between the FDP area and adjacent public thoroughfares, including upon sidewalks and walkways, as well as an easement to use all common areas for their intended purpose. Each property owner is required to share in the maintenance expenses of such spaces pursuant to the reciprocal easement agreement. Such maintenance responsibilities may ultimately be assumed by a Downtown partnership, the County, or other organization. This document is available at LIBER 552 Page 382 of the Howard County Land Records.

- O. To better ensure conformance with the Community Enhancements, Programs and Public Amenities provisions, the Final Development Plan provides for a plan to establish membership in the Downtown Columbia Partnership and payment of the annual charges. Each Final Development Plan shall show a consistent means of calculating and providing the required annual charges.**

The legislation pre-filed to establish the Downtown Columbia Partnership is anticipated to require annual payments into the Partnership as required by CEPPA #25. The per-square foot payment shall be calculated from April 6, 2010 and shall include an annual adjustment based on the Consumer price Index for All urban Consumers (CPI-U) for the Washington-Baltimore Area published by the Bureau of Labor Statistics of the United States Department of Labor. The first annual payment shall be paid prior to issuance of the first occupancy permit for the building and subsequent payments shall be due on or before July 1, of each year following the year of initial payment.

**SRC Action:** The Subdivision Review Committee has recommended approval subject to the technical comments issued in the letter dated June 12, 2012.

**Recommendation:** Please see page 1 for the Staff Recommendation.

 6/28/12  
Marsha S. McLaughlin, Director Date  
Department of Planning and Zoning

Staff Report Prepared by: Tanya Krista-Maenhardt, AICP

TKM/FDPs/Staff Report for FDP-DC-The Mall 1 version c-versionnext

**This file (PB 395) is available for public review at the DPZ Public Service Counter, Monday through Friday, 8:00 a.m. -5:00 p.m.**

Attachment A

Planning Board Review and Approval Criteria Matrix  
For PB 395

Final Development Plans for Downtown Columbia Revitalization  
(per Section 125.E.4 of the Howard County Zoning Regulations)

Letter Sec. 125.E.4	Planning Board Criteria*	Conforms	Does Not Conform	Modifications Proposed	Comments
a.	All Neighborhood Documents conform with Downtown Columbia Plan (Plan) and Downtown-Wide Design Guidelines	X		X	<b>Neighborhood Concept Plan Modifications:</b> ^ Neighborhood boundary changes between Mall boundary and the Lakefront, Symphony Woods and Warfield Neighborhoods. See Report for additional details.  <b>^ Design Guideline Modifications:</b> ^ Street Types
b.	Neighborhood Design Guidelines offer sufficient detail to guide the neighborhood over time and promote design features that are achievable and appropriate for Downtown Revitalization	X			Sufficient detail provided. See DAP recommendations for additional consideration (see Attachment 'C').
c.	FDP conforms with Neighborhood Documents, the Revitalization Phasing Plan, CEPPA Chart, Downtown Columbia Plan and Exhibits, and Downtown-Wide Design Guidelines	X			See Report for additional details
d.	FDP provides a balanced mix of housing, employment, and commercial and arts and cultural uses throughout each phase when considered in the context of surrounding planned or existing development.	X			Conforms to Neighborhood as described in Downtown Columbia Plan and in context of surrounding existing and planned uses. See report for additional information.
e.	The Final Development Plan satisfies the affordable housing requirement.	X			No housing proposed-therefore not applicable
f.	The bicycle, pedestrian, and transit network creates convenient connections throughout the subject area and connect, wherever possible, routes adjoining the development.	X			Initial components of downtown wide pedestrian & bicycle network shown on NCP.
g.	The Final Development Plan protects land covered by environmental sensitive features and existing open space	X			No existing environmental features within FDP area
h.	FDP provides the location of the required Downtown Community Commons (amenity areas) as indicated in the Neighborhood Concept Plan.	X			Primary amenity spaces not required. Secondary outdoor amenity spaces of at least 12,350 s.f. to be provided.
i.	FDP is in harmony with existing and planned vicinal land uses	X			Uses and heights consistent with Downtown Columbia Plan and the surrounding uses.
j.	The development proposed is served by adequate public facilities (Roads and Schools) per APFO	X			Project will be served by adequate transportation facilities.
k.	FDP protects environmentally sensitive features & provides environmental restoration per Plan	X			No environmental features impacted. No restoration required for this area.
l.	FDP protects historic or culturally significant existing sites, buildings or structures, and public art	X			No existing historical or culturally significant sites, buildings, structures or public art
m.	FDP proposes an appropriate plan to satisfy the requirement for art in the community	X			Petitioner will incorporate art into project or pay fee-in-lieu. More information to be provided at SDP.
n.	FDP provides a plan to hold, own, and maintain in perpetuity land intended for common, quasi-public amenity use and privately-owned public art	X			Note provided on the FDP
o.	Downtown Columbia Partnership - FDP explains membership and annual charges	X			Note provided on the FDP

This chart provides an abbreviated description of the Planning Board criteria found in Section 125E.4. of the Zoning Regulations and conformance findings See Staff Report for complete language and detailed conformance findings.

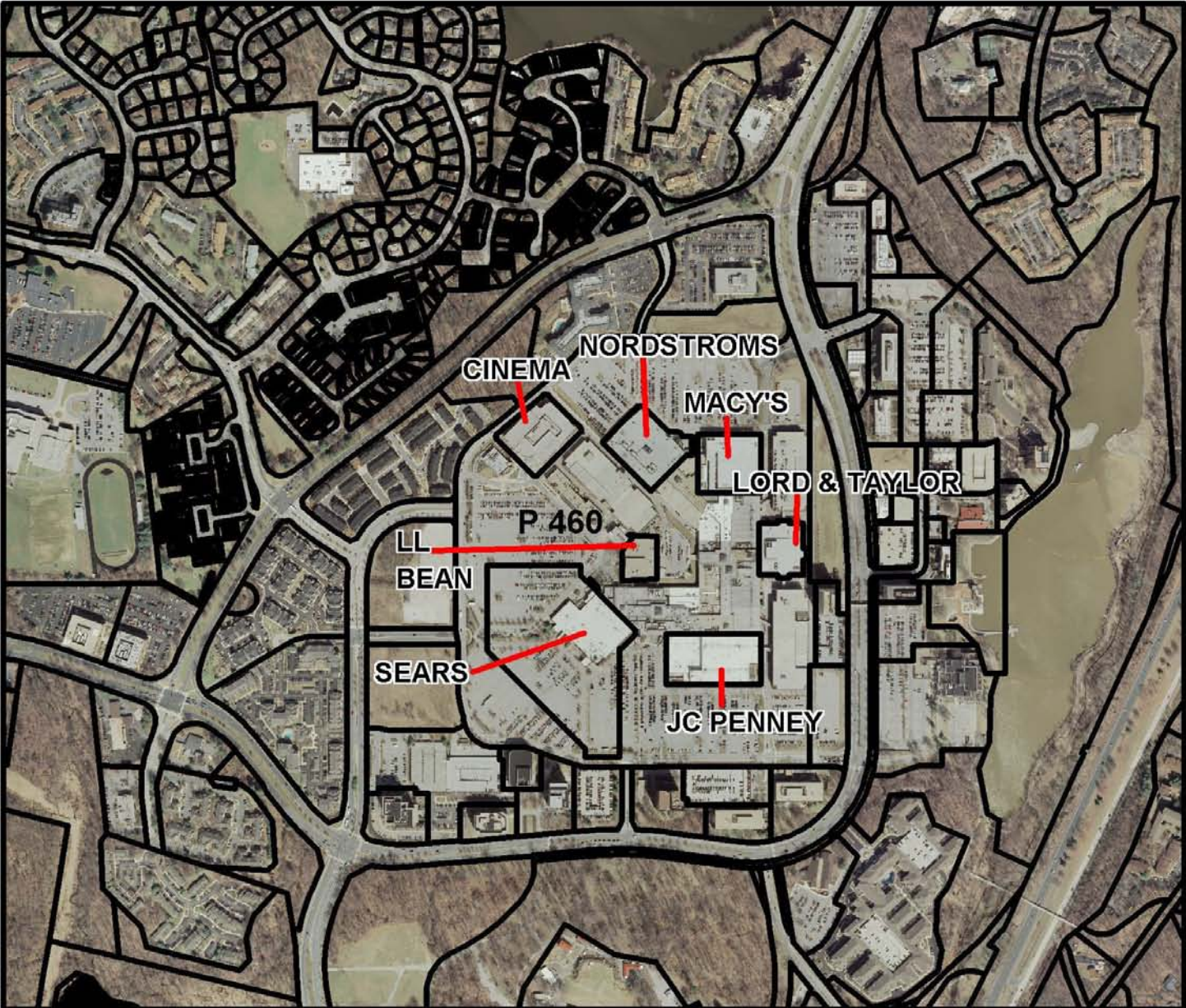


**Attachment B**  
**Downtown CEPPA Status for Requirements Relevant to FDP-DC-The Mall-1**  
**For PB 395**  
***Final Development Plans for Downtown Columbia Revitalization***

DOWNTOWN CEPPA STATUS FOR REQUIREMENTS RELEVANT TO FDP-DC-The Mall-1			
ITEMS TO BE COMPLETED PRIOR TO SUBMISSION OF FIRST FDP			
No.	Brief Summary Description*	Summary of Deliverable*	Status
1	Environmental assessment of three sub-watersheds of Symphony Stream, Wilde Lake and Lake Kittamaquundi located upstream from the Merriweather and Crescent Environmental Enhancements Study area.	The Merriweather and Crescent Environmental Study and the Best Management Practices for Symphony Stream and Lake Kittamaquundi Watersheds Studies	Completed – Submitted September 2008
2	The Land Framework component of the Downtown Columbia Sustainability Program and a detailed outline for the Community Framework component of the Sustainability Program (Community Framework Outline).	Approved as Chapter 8 of the Downtown-Wide Design Guidelines (Council Resolution 138-2010)	Completed – Council Resolution No. 138-2010 passed on March 7, 2010.
3	Route 29 – Interchange Study for a third interchange located between Route 175 and Broken Land Parkway and options for a connection (potential bicycle, transit and multimodal improvements over Route 29 (Oakland Mills Bridge Connection)	<ul style="list-style-type: none"><li>• 3<sup>rd</sup> Interchange Study</li><li>• Transit Center and Circulator Shuttle Study</li></ul>	<ul style="list-style-type: none"><li>• July 21, 2010 – Transportation study Team introduced to County</li><li>• August 17, 2011 – Scope of Study and Methodology submitted to County for Interchange Study and the Transit Center and Circulation Study</li><li>• December 2011 – Draft Transit Center and Circulator Shuttle Study submitted to County</li><li>• January 2012 – Draft Interchange Feasibility Study submitted to County</li><li>• June 2012-Final County comments have been sent to Howard Hughes Corporation</li></ul>
4	GGP will prepare Downtown-Wide Design Guidelines including Sustainability Provisions	Downtown-wide Design Guidelines	Completed – March 7, 2010 (Council Resolution No. 138-2010)
ITEMS TO BE COMPLETED PRIOR TO APPROVAL OF FIRST FDP			
5	Study for North-South Collector Road to connect Broken Land Parkway/Route 29 to Little Patuxent Parkway, and new Downtown Transit Center and Downtown Circulator Shuttle	North-South Collector Road Feasibility Study	Completed – Study submitted to County December 2011 for review  • June 2012-Final County comments have been sent to Howard Hughes Corporation
6	Jointly Determine functions, organizational structure, implementation phasing, potential funding sources and projected funding needs of the Downtown Columbia Partnership, and for the Petitioner to provide the initial funding for the Downtown Partnership	<ul style="list-style-type: none"><li>• Council passing legislation regarding Downtown Partnership</li><li>• Petitioner provided initial funding for Downtown Partnership released in a manner described in the legislation</li></ul>	In process. Legislation has been prepared in the form of Council Bill 24-2012.
*	Only brief summaries of the requirements and status were provided. Please see the CEPPA Chart in the Downtown Columbia Plan or included as part of the applicant's Neighborhood Specific Implementation Plan (which includes detailed status) for additional information		

**Attachment C**  
**Design Advisory Panel Recommendations for Planning Board Consideration**  
*For*  
**Neighborhood Specific Design Guidelines for Downtown Columbia Revitalization**  
*(Per Section 16.1504 of the Howard County Code)*  
**For PB 395-The Mall Neighborhood**

No.	Design Advisory Panel Recommendation	Applicant Response	Conforms with DC Plan and DWDG	Does Not Conform	Alternative to DAP Rec Proposed	Comments
	<b>DAP NSDG Submission February 8, 2012</b>	<b>February 22, 2012</b>	<b>DPZ Recommendation</b>			<b>Revised PB NSDG Submission – May 16, 2012</b>
1	<i>“That the applicants include or amend their guidelines with the comments from the Staff at DPZ.”</i>	The preliminary staff comments received prior to the DAP hearing contain many design and technical comments. We believe that these comments will likely be incorporated into the formal staff response from both DLD and other departments after our full FDP submission. It is possible that they will either be amended or superseded by additional staff review. As such, although we acknowledge agreement with many of the comments and will incorporate them into the formal FDP submission, we would prefer to respond to the full staff report when received.	<b>X</b>		<b>X</b>	<p>The revised NSDG adequately address staff comments made during DAP review. Key sections of the guidelines that have been refined and/or expanded include the following:</p> <ul style="list-style-type: none"> <li>• The Introduction includes additional guidance for pedestrian circulation routes within The Mall neighborhood and to surrounding neighborhoods. Added diagrams and text also provide further detail on key locations of future amenity space. These elements carry over into pedestrian circulation plans in both the Street Design and Amenity Space sections.</li> </ul> <p>Refinements to the Mall Neighborhood boundary are also explained in the Introduction section.</p> <ul style="list-style-type: none"> <li>• The Architecture section is expanded to include a gateway and vista diagram that identifies prominent locations for corner element treatments that terminate views of primary amenity space in surrounding neighborhoods. Standards for openings (solids/voids) in buildings have also been refined for greater interface between structures and the street level pedestrian environment.</li> <li>• Refinements to the Signage section include additional locations for vehicle, pedestrian and directory signs.</li> </ul>
2	<i>“For the guidelines to include The Mall’s existing architectural urban context as a reference for future development.”</i>	We will include references to, and the need for, compatibility with regard to the Mall existing architecture.	<b>X</b>			The Architecture section is expanded to include an overview and historical context for contemporary architecture in building design within Columbia and its Downtown. While the design criteria do not prescribe an architectural style, new buildings within the Mall Neighborhood should be designed with an understanding of preceding examples of contemporary architecture.
3	<i>That the descriptions of the amenity areas have some reference to the blended spaces.</i>	We will work on language that discusses the interface and blending of the amenity areas with the surrounding Neighborhood Primary Amenity Spaces.	<b>X</b>			Both the Introduction and Amenity Space sections have been expanded to describe how amenity areas within the Mall Neighborhood function as transition zones of heightened pedestrian activity and connection to amenity spaces in surrounding neighborhoods.



FDP-DC-The Mall-1



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**Attachment ‘E’**  
**Relevant Definitions Relating to Downtown Columbia Revitalization**  
**For PB 395**

**Final Development Plans for Downtown Columbia Revitalization**  
(Excerpted from Section 103.A. of the Zoning Regulations)

*[Council Bill 59-2009 (ZRA-113) Effective April 6, 2010. Changes include #38 to #60]*

38. Downtown Arts, Cultural and Community Use: Land areas, uses and facilities established for cultural, civic, recreation, educational, environmental, entertainment or community use or benefit, whether or not enclosed and whether publicly or privately owned or operated for profit, including, but not limited to, libraries, fire stations, schools, museums, galleries, artistic work, and transit facilities. Eating, seating and gathering areas that are accessory to these uses are permitted.
39. Downtown Arts and Entertainment Park: A contiguous area including a large outdoor amphitheater which may be surrounded by a variety of smaller indoor or outdoor artistic and performance spaces, museums, galleries and similar cultural or educational uses in a park-like setting. Ancillary uses such as food vendors, gift shops, small restaurants and supporting infrastructure such as utilities, public and private roadways, multi-modal circulation systems adjacent to public and private roadways, surface parking lots, parking structures, and underground parking are also permitted.
40. Downtown CEPPA Implementation Chart: The chart and associated text and flexibility provisions contained in the Downtown Columbia Plan which identify the phasing for Downtown Community Enhancements, Programs and Public Amenities.
41. Downtown Columbia: The following recorded Final Development Plan Phases: Phase 4, Phase 4-A-5, Phase 21, Phase 47-A-7, Phase 52, Phase 62-A-1, Phase 95, Phase 101-A, Phase 105, Phase 111-A-1, Phase 115, Phase 121, Phase 122-A, Phase 139-A-3, Phase 140-A-1, Phase 192-A, Phase 211, Phase 217-A-1, Phase 219, Phase 234, and the area within the described limits included in exhibit A of the Appendix in these regulations.
42. Downtown Columbia Plan: The General Plan Amendment for Downtown Columbia approved by County Council Bill No. 58-2009.
43. Downtown Community Commons: Amenity spaces such as plazas, promenades, greens, gardens, squares and other pedestrian-oriented areas, whether publicly or privately owned, that are intended for community interaction and may include spaces for seating, walking, eating, gathering, fountains, public art, way-finding signage, kiosks, or other similar public amenities. Downtown Community Commons can also include walkways that are designed to enhance and be an integral part of the adjacent amenity space, but shall not include any drive lane for vehicular traffic such as private streets, alleys and public roadways for automotive use. Downtown Community Commons must be generally accessible by the public without charge. Included in this category are Downtown Neighborhood Squares. Downtown Community Commons may be integrated into or developed as a part of other uses and may include underground parking, utilities and other infrastructure supporting downtown revitalization.
44. Downtown Community Enhancements, Programs and Public Amenities (CEPPA): The specific feasibility studies, improvement and management organizations, environmental enhancement programs, and physical improvements identified in the Downtown CEPPA implementation chart contained in the Downtown Columbia Plan.
45. Downtown Environmental Restoration: Projects within Downtown Columbia that are identified in Columbia Towncenter Merriweather and Crescent Environmental Enhancements Study or Best Management Practices for Symphony Stream and Lake Kittamaqundi Watersheds involving forest restoration and enhancement, reforestation and afforestation, wetland enhancement, and stream restoration activities.
46. Downtown Environmentally Sensitive Land Area: An area within Downtown Columbia meeting the definition in the Howard County Land Development Regulations of either a floodplain, steep slope, stream or wetland buffers.
47. Downtown Maximum Building Height Plan: The plan which graphically represents the maximum building height requirements for all Downtown revitalization, as depicted in the Downtown Columbia Plan.
48. Downtown Mixed-Use: A land-use designation that permits any use or combination of uses permitted under Section 125.A.9.B., including supporting infrastructure, such as utilities, public and private roadways, multi-modal circulation systems adjacent to public and private roadways, surface parking lots, parking structures, and underground parking.

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49. Downtown Neighborhood Concept Plan: A concept plan showing an individual neighborhood identified in the Downtown Columbia Plan that depicts a general layout for proposed public and private streets, block sizes and configurations, maximum building heights and proposed Downtown Community Commons as context for the evaluation of the Final Development Plans.
  50. Downtown Neighborhood Design Guidelines: Urban design guidelines for an individual neighborhood identified in the Downtown Columbia Plan.
  51. Downtown Neighborhood Square: An outdoor amenity space comprised of not less than 25,000 contiguous square feet, exclusive of bike paths and required sidewalks that might be located along its perimeter. A Downtown Neighborhood Square may be covered or partially covered.
  52. Downtown Net New: As applicable, the number of dwellings, hotel and motel rooms, and the amount of gross floor area of commercial office and commercial retail uses that are permitted under the Downtown Revitalization Approval Process after April 6, 2010 in excess of the number of dwellings, hotel and motel rooms, and gross floor area of commercial office and commercial retail uses that are shown on a Site Development Plan for property located within Downtown Columbia that was approved prior to April 6, 2010.
  53. Downtown Open Space Preservation Plan: A plan included in the Downtown Columbia Plan delineating all land in Downtown Columbia designated as open space on a Final Development Plan recorded prior to April 6, 2010 that is required to retain its existing character as: Downtown Environmentally Sensitive Land; Downtown Parkland; Downtown Community Commons; or a Downtown Arts and Entertainment park, as specified in Section 125.A.9.H.
  54. Downtown Parkland: An area generally accessible by the public without charge for active and/or passive recreation purposes which consists primarily of vegetated areas with a natural character, more formal lawns, gardens and walks, pedestrian connections, minor active structured recreation uses such as urban playgrounds, public art, fountains and minimal structures such as cafes and outdoor dining areas, gazebos, pavilions, outdoor stages, and kiosks.
  55. Downtown Primary Amenity Space Framework Diagram: A plan and associated text included in the Downtown Columbia Plan depicting existing and proposed primary amenity and natural spaces in Downtown Columbia.
  56. Downtown Public Art: Original outdoor artwork which is accessible to the public.
  57. Downtown Revitalization: A form of development required in Downtown Columbia after April 6, 2010 in compliance with the applicable provisions of Section 125 that must conform with the recommendations of the Downtown Columbia Plan.
  58. Downtown Revitalization Phasing Plan: A phasing plan included in the Downtown Columbia Plan identifying additional development rights by phase for Downtown Revitalization.
  59. Downtown Signature Building: An existing or proposed structure which requires premiere attention to its architectural design because of its cultural significance or prominent location in relationship to the public realm, such as its position on a street or open space, or as the terminus of a vista.
  60. Downtown-wide Design Guidelines: General urban design guidelines for Downtown Revitalization adopted by the Howard County Council.

***Additional definitions pertinent to The Mall Neighborhood can be found on pages 146-147 of The Mall Neighborhood Design Guidelines.***